

UNGASS 2016 AND DRUG POLICY IN LATIN AMERICA

By Steven T. Zech

KEY TAKEAWAYS

- Metrics used to gauge “effective” drug policy must emphasize factors beyond supply reduction, including community health, development, and human rights.
- Uniform international drug policies do not always address distinct regional needs in Latin America such as crime, trafficking, and mass incarceration.
- UNGASS 2016 can help policymakers envision a move away from a criminal justice focus and toward harm reduction and public health-oriented policies.

INTRODUCTION

In April 2016 a United Nations General Assembly Special Session (UNGASS) will convene to evaluate system-wide UN drug policies.¹ Representatives from member-states, policymakers, international organizations, non-governmental organizations, academics, scientists, and others will attend UNGASS 2016 to create an “environment of exchange” so that diverse stakeholders might benefit from each other’s expertise. The special session will assess the actions of member-states in achieving 10-year goals set in 2009.²

In this brief I begin with a discussion of the primary trends and challenges related to illicit drugs that policymakers face in Latin America with an emphasis on Peru and Colombia. Distinct regional needs and a focus on supply reduction remain obstacles to effective drug policy in Latin America. I highlight weaknesses

in program evaluation and identify challenges to regional implementation. I conclude with a short summary of UNGASS 2016 goals to address pressing drug policy challenges.

LATIN AMERICA IN THE 2015 UNITED NATIONS DRUG REPORT

The United Nation Office on Drugs and Crime (UNODC) releases an annual report on the production, trafficking, and use of illicit drugs (“Drug Report”).³ In the most recent report preface, issued in 2015, the UNODC Executive Director notes that illicit drugs affect peace, security, and development, as well as efforts to promote justice and the rule of law. The report suggests the need for a comprehensive approach to confronting challenges related to illicit drugs and emphasizes the importance of alternative development.

However, the report also suggests that current policies have had little impact on efforts to lower drug production, to curtail drug usage, or to reduce the negative social and public health effects. The 2015 Drug Report focuses on the global supply and demand for illicit drugs while recognizing the continued importance of alternative development efforts. In Latin America, combatting illegal coca cultivation and the secondary production of cocaine are the primary focus. Colombia, Peru, and Bolivia account for almost the entirety of coca cultivation. At first glance, regional counter-narcotics efforts aimed at limiting illegal coca leaf supply appear to be working and have reduced total coca cultivation 10% from the previous year, reaching the lowest levels seen in three

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decades.⁴ But, three factors suggest that eradication efforts may not work as hoped.

First, program implementation usually follows a rise in regional cultivation, so programs appear to chase cultivation around Andean countries. As counter-narcotics programs squeeze one country, cultivation “balloons” in another. For example, the highest levels of coca cultivation shifted from Peru and Bolivia to Colombia in the 1980s and 1990s. After massive counter-narcotic expenditures in Colombia, the highest cultivation levels moved back to Peru in 2013. However, Colombia once again became the leading producer the following year after Peru implemented far-reaching eradication efforts. Even within individual cases like Peru, eradication programs that focus on one particular region (e.g. the Upper Huallaga Valley) often just push cultivation into another region (e.g. the Apurímac, Ene, and Mantaro River Valley – i.e. the VRAEM).⁵

Second, the reductions in supply from coca eradication may not be as large as reported due to imprecise measurement. The UNODC and other organizations

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that monitor eradication employ a hectares metric that describes the area of land used for coca cultivation. For example, the UNODC and DEVIDA (Peru’s anti-drug agency) released a 2015 report on coca cultivation in Peru in which they observed a 14% decrease in the area of land used for cultivation and a 31% increase in the area of land that underwent eradication.⁶ Although a hectares metric captures a general trend in coca cultivation and eradication efforts, it remains an imperfect measure. The metric fails to capture the rising density of plant cultivation per hectare as well as greater coca leaf yields per plant, two factors that have increased significantly in recent years through new farming techniques and a drastic rise in pesticide and fertilizer use.⁷ Farmers I have spoken

with suggest they are producing greater quantities of coca leaves per hectare on average, perhaps off-setting gains made through eradication. Furthermore, during a visit to the VRAEM in June 2015, farmers complained about falling prices paid for dried coca leaves, which also suggests supplies are largely unaffected despite positive national eradication trends. Even if eradication efforts do lower coca leaf supply, it does not appear to be enough to affect prices or the supply of raw materials needed for the subsequent production of coca paste and cocaine.

Finally, current eradication policies often exacerbate many of the negative externalities tied to illegal coca cultivation. The illicit drug economies in Colombia and Peru have already led to widespread environmental degradation, stoked the flames of revolutionary political violence, and contributed to the militarization of social life in many communities dependent on coca cultivation.⁸ Chemical-based eradication, as opposed to the voluntary manual removal of coca crops, has affected the likelihood of success in crop substitution programs and further damaged soil that has already been poison with pesticides and certain kinds

of fertilizers. Drug production and trafficking revenues will also likely continue to be key financial resources for (ex)combatants of the Armed Revolutionary Forces of Colombia (FARC) and remnants of the Shining Path in Peru. Forced eradication and state penetration into coca producing regions could lead to further violent

conflict in the short-term. Furthermore, coca reduction programs that do not include sufficient alternative economic development and that do not account for the presence of new forms of political authority at the local level (e.g. agricultural collectives, civilian self-defense forces, etc.) will likely lead communities to resist implementation.⁹

PROSPECTS FOR A COHERENT AND EFFECTIVE DRUG POLICY IN LATIN AMERICA AND UNGASS 2016

Poor program implementation and evaluation, along with incongruent system-wide and local objectives, threaten prospects for a coherent and effective drug policy in Latin America. Metrics for eradication are not (and should not) be the only measures used to evaluate the impact of drug

policies. The International Centre for Science in Drug Policy (ICS DP), a global network of scientists working on drug policy issues, has carried out studies to improve drug policy recommendations leading up to UNGASS 2016. In a UN event to launch its *Open Letter from the Scientific Community*, the ICS DP suggests that metrics related to other key drug policy challenges—e.g. community health, safety, development, and human rights—must take on a more prominent role in policy implementation and evaluation.¹⁰ These kinds of issues are especially prevalent in Latin American countries that play an active role in the production and trafficking of illicit drugs.

Implementing system-wide UN drug policies proves challenging when countries face distinct regional and local needs. For example, Latin American countries suffer from high drug-related incarceration rates and current figures suggest that the rate of incarceration for drug-related crimes is growing faster than the overall prison population for many.¹¹ Numerous regional institutions such as the Organization of American States (OAS), the Community of Latin American and Caribbean States (CELAC), and the Latin American Commission on Drugs and Democracy have pushed for drug conventions that can better confront the realities associated with these types of regional problems.¹² Some states in Latin America have addressed a wide range of country-specific issues by passing legislation to decriminalize cannabis and possession of other illegal drugs, offering pardons for low-level drug couriers, and reforming laws that disproportionately punished particular segments of the population such as women.¹³ UNGASS 2016 provides a venue to discuss prospects for flexible UN policy implementation based on country-specific conditions and needs.

Previous policy goals highlighted by the UNODC may be neither feasible nor desirable in light of evolving program priorities and distinct challenges in Latin American states. One prominent drug policy expert recently penned a report on UNGASS 2016 and prospects for reform based on lessons from the two previous special sessions in 1990 and 1998.¹⁴ Earlier sessions on drug policy suggested that historically aggressive approaches, which made mass incarceration and militarized counter-narcotics operations prominent policy features, need revision. Market repression has reduced neither drug production nor consumption. As

a result, many Latin American countries have pushed for a greater focus on reducing demand in the global North (i.e. the U.S. and Europe), tightening controls on chemicals used in cocaine production, limiting access to firearms, and providing alternative livelihood opportunities.¹⁵ An increasingly balanced and more comprehensive approach may succeed where a militarized one has failed.

The UNODC World Drug Report includes commentary about what improved policy might look like and UNGASS 2016 is an opportunity to discuss a potential shift away from a criminal justice focus and toward public health-oriented policies.¹⁶ Latin American states played a crucial role in pushing for the 2016 special session and, along with other stakeholders, will likely try to advance reform agendas that focus on issues such as harm reduction and flexible policy implementation. A February 2016 report on drug policy by a London School of Economics group begins:

The 'war on drugs' has been largely discredited on the international stage. Former and sitting presidents, Nobel Prize winners, heads of UN agencies and other world leaders have all in some way rubbished the idea of the international community waging war against already marginalised groups of people as a way to prevent substance use or misuse. It is for this reason that the UN General Assembly Special Session (UNGASS) in April 2016, whatever the explicit consensus outcomes, represents the global end point in a failed and counterproductive strategy.¹⁷

However, the primary topics for discussion and debate during UNGASS 2016 remain unclear. What will come in the wake of a global war on drugs?

UNGASS 2016 AND CHANGES TO INTERNATIONAL DRUG POLICY

A shift in drug policy focus is imminent. Legislative actions decriminalizing certain drug classes like cannabis in the U.S., Uruguay, Jamaica, and some European states demonstrate one type of policy reform. However, many states—including Russia, China, Japan, and many countries in the Middle East and Asia—still champion an orthodox approach to drug policy and will likely steer the UNGASS 2016 agenda toward the affirmation of existing global drug policies; albeit with a certain degree of country-specific flexibility.¹⁸

Diverging from uniform international drug policy is a pragmatic option, though there are certainly dangers in allowing for flexible implementation by individual states. Decisions about drug policy are laden with normative notions of what ought to be. For example, illicit drug economies in Latin America have generated widespread violence as organizations fight to control the production and trafficking of illegal drugs. In other regions like Asia, states often experience widespread drug use and trafficking without the same levels of violence.¹⁹ Countries will implement drug policy differently based on the distinct challenges they face. States will also respond differently to similar challenges, highlighting the importance of investigating related issues like human rights concurrently. For example, in some states, notable incidents of violence come in the form of punitive actions for drug-related offenses such as executions by firing squad, hanging, or beheading.²⁰

A United Nations University policy report by James Cockayne and Summer Walker warns that member states must take care to ensure that policy flexibility does not degenerate into policy *fragmentation*; the UN should still provide some degree of oversight with regard to implementation and strive to uphold important guiding principles.²¹ UNGASS 2016 provides a venue for states to discuss the future of global drug policy around key issues that include penal policy, public health, development, and human rights. Policy reform debate at UNGASS 2016 will certainly prove contentious. As can be seen in cases of capital punishment for drug-related offenses, enforcement varies based on different domestic penal laws and systems. While consensus over the details of many contentious issues remains unlikely at UNGASS 2016, states should focus on taking steps to ensure that drug policies do not hinder efforts to meet human rights obligations, to promote human development, and to implement future drug policies based on sound scientific research.²²

ENDNOTES

- 1 For more information see the UNGASS 2016 website. <http://www.unodc.org/ungass2016/en/about.html>.
- 2 The 2009 goals appear in the document, "Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem." The United Nations Commission on Narcotic Drugs (CND) is the governing body of the United Nations Office on Drugs and Crime (UNODC) and monitors international drug control efforts. <https://www.unodc.org/documents/ungass2016/V0984963-English.pdf>.
- 3 United Nations Office on Drugs and Crime (UNODC), *World Drug Report* (United Nations 2015). https://www.unodc.org/documents/wdr2015/World_Drug_Report_2015.pdf.
- 4 Ibid. p. 50.
- 5 For more on cultivation trends across cases see the crop monitoring reports by the United Nations Office on Drugs and Crime (UNODC). <https://www.unodc.org/unodc/en/crop-monitoring/>.
- 6 *Perú: Monitoreo de Cultivos de Coca 2014* (UNODC 2015), p. 9. https://www.unodc.org/documents/crop-monitoring/Peru/Peru_Informe_monitoreo_coca_2014_web.pdf. The UNODC does provide a density metric in country-specific coca survey reports. This metric captures a hectares per square kilometer metric, but also fails to account for plant density on individual farms.
- 7 I make this observation based on conversations with coca farmers and residents in VRAEM communities during research trips to the region in 2013 and 2015.
- 8 For more on the case of Peru, see Steven T. Zech, "Drug-Trafficking, Terrorism, and Civilian Self-Defense in Peru." *CTC Sentinel* Vol. 7, Issue 4 (April 2014).
- 9 Some recent community resistance in Colombia led to violence, see Claire Dennis, "Coca farmer killed in revolt against crops eradication in southwest Colombia" *Colombia Reports* (Nov 20, 2015). <http://colombiareports.com/coca-farmer-killed-in-revolt-against-crops-eradication-in-southwest-colombia/> In the case of Peru, the state is planning to expand eradication programs in the VRAEM and disarm legal civilian self-defense forces, which will cause further tension. See Steven T. Zech "Autonomous Security Provision in Peru." *Political Violence @ a Glance* (June 23, 2015). <http://politicalviolenceataglance.org/2015/06/23/autonomous-security-provision-in-peru/>

- 10 “Identifying Common Ground for UNGASS 2016: Rethinking Metrics to Evaluate Drug Policy.” United Nations event, New York (January 21, 2016). <http://unu.edu/events/archive/other-event/ungass-2016-rethinking-drug-policy-metrics.html#overview>.
- 11 Alejandro Corda, “Drug Policy Reform in Latin America: Discourse and Reality” (CEDD 2015). http://www.drogasyderecho.org/publicaciones/pub-priv/alejandro_i.pdf. The figures have actually been worse in the U.S. where nearly half of federal inmates (48%) were serving time for drug-related offenses in 2011. E. Ann Carson and William J. Sabo, “Prisoners in 2011” (U.S. Department of Justice 2012). <http://bjs.gov/content/pub/pdf/p11.pdf>.
- 12 Also see many of the reports released by the Global Commission on Drug Policy, whose commissioners include numerous former Latin American heads-of-state. <http://www.globalcommissionondrugs.org/reports/>.
- 13 For example, see the recently released Spanish-language report that examines the disproportional effects of incarceration on women as a result of current drug policies. A short summary can be found on the WOLA website (http://www.wola.org/publications/women_drug_policies_and_incarceration) and the full report “Mujeres, políticas de drogas y encarcelamiento: Una guía para la reforma de políticas en América Latina,” at http://www.wola.org/sites/default/files/Guia_ESP_final.pdf.
- 14 Martin Jelsma, “UNGASS 2016: Prospects for Treaty Reform and UN System-Wide Coherence on Drug Policy” (Brookings 2015). <http://www.brookings.edu/~media/Research/Files/Papers/2015/04/global-drug-policy/Jelsma--United-Nations-final.pdf?la=en>.
- 15 Ibid., p. 5.
- 16 For an excellent analysis of UNGASS 2016 issues see James Cockayne and Summer Walker, “What Comes After the War on Drugs – Flexibility, Fragmentation or Principled Pluralism?” (United Nations University 2015), Chapter 2. http://idhdp.com/media/530180/unu_drug_policy_online_final.pdf.
- 17 John Collins, “Executive Summary.” In *After the Drug Wars: Report of the LSE Expert Group on the Economics of Drug Policy* (February 2016). <http://www.lse.ac.uk/IDEAS/publications/reports/pdf/LSE-IDEAS-After-the-Drug-Wars.pdf>.
- 18 Ibid., pp. 13-15.
- 19 Ibid.
- 20 Perpetrating states include Indonesia, Saudi Arabia, Iran, and China, among others. See “The New Drug Warriors,” *The Economist* (May 2, 2015). <http://www.economist.com/news/international/21650104-one-side-world-softens-its-line-against-illegal-drugs-another-getting>.
- 21 Cockayne and Walker, “What Comes After the War on Drugs.” (see note 16).
- 22 Ibid.

ABOUT THIS SERIES

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